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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Harrington *et al.*

Appl. No. 09/760,897

Filed: January 17, 2001

For: **Compositions and Methods for Non-Targeted Activation of Endogenous Genes**

Art Unit: 1655

Examiner: B. Forman

Atty. Docket: 0221-0003OC

**PETITION FOR A FILING DATE IN RESPONSE TO THE NOTICE OF
OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION**Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

03/13/2002 SZEWD1E1 00000035 09760897

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Sir:

Further to the Notice of Omitted Item(s) in a Nonprovisional Application mailed January 9, 2002, Applicants submit herewith this Petition requesting that the U.S. Patent & Trademark Office accord the filing date of January 17, 2001 to all 166 pages of the specification of the above-identified continuation application including allegedly omitted pages 53 and 54. Evidence of the existence of pages 53 and 54 on the filing date of January 17, 2001 of the above-identified continuation application is provided herewith in the following supporting documentation attached hereto:

1. a copy of the postcard receipt dated January 17, 2001 indicating that a copy of the prior application as originally filed had been filed at the U.S. PTO on January 17, 2001. The prior application is Appl. No. 09/515,124, filed February 25, 2000;¹

¹ References to the filing date of Appl. No. 09/515,124 as February 27, 2000 are in error. The correct filing date of the parent application (Appl. No. 09/515,124) is February 25, 2000 as evidenced by the Deposit of Mailing on the Transmittal Letter attached hereto.

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2. a copy of the Request for Filing a Continuation Application dated January 17, 2001 indicating that Applicants were filing a "complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed;"

3. a "complete copy of the prior application . . . as originally filed" containing 166 pages (154 pages of specification, 11 pages of claims and a 1 page abstract);

4. a copy of the postcard receipt from the originally filed parent application (Appl. No. 09/515,124) indicating that 166 pages (specification, claims and abstract) were filed in the U.S. PTO on February 25, 2000; and

5. a copy of the three-page transmittal letter from the originally filed parent application (Appl. No. 09/515,124) indicating that 166 pages (specification, claims and abstract) were filed in the U.S. PTO on February 25, 2000.

Since Applicants filed a complete copy of the prior application (Appl. No. 09/515,124) on January 17, 2001 as evidenced by the attached documentation, all 166 pages of the above-identified application are entitled to the filing date of January 17, 2001.

The Petition Fee of \$130.00 as set forth in 37 C.F.R. 1.17(h) is enclosed. The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0622. A duplicate copy of this letter is also enclosed.

Prompt and favorable consideration of this Petition and the cited documents and making the same of record in the prosecution of the above-noted application is respectfully requested.

Respectfully submitted,

SHANKS & HERBERT

By: Kristin K. Vidovich
Kristin K. Vidovich
Reg. No. 41,448

Date: March 8, 2002

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